

ESTTA Tracking number: **ESTTA591700**

Filing date: **03/10/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205046
Party	Defendant Ate My Heart Inc.
Correspondence Address	BRAD D ROSE PRYOR CASHMAN LLP 7 TIMES SQ, FL 3 NEW YORK, NY 10036 6569 UNITED STATES lbuckley@pryorcashman.com, rklarberg@pryorcashman.com, tmdocketing@pryorcashman.com, brose@pryorcashman.com, tlee@pryorcashman.com, tmdocketing@pryorc
Submission	Motion to Extend
Filer's Name	Brad D. Rose
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Signature	/Brad D. Rose/
Date	03/10/2014
Attachments	Motion for Extension of Time - 3 10 14.pdf(30565 bytes)

In the Matter of Trademark Application No. 85215017
for the mark HAUS OF GAGA

Respondent.

Cancellation No. 92055279

In the Board's Order, dated January 28, 2014 (the "Order"), the Board permitted AMH to depose Ms. Sukljian on or before forty days from the Order's mailing date in Albany, New York, or

wherever the parties may agree. AMH did not think it was efficient or cost-effective to depose Ms. Sukljian until after she served her revised discovery responses, which she did on February 16, 2014 via USPS mail. AMH noticed the deposition of Ms. Sukljian for March 5, 2014 in Albany, New York, given that the Board reset the schedule making March 10, 2014 the discovery cut-off date. Due to exigent circumstances, AMH was unable to depose Ms. Sukljian on March 5th or any day between then and March 10th. Specifically, AMH's counsel has been defending the depositions of six members of a board of directors of a failed bank in a confidential FDIC enforcement action. AMH's counsel's schedule did not permit traveling from New York City to Albany, New York to depose Ms. Sukljian.

AMH's counsel has attempted on several occasions to contact Ms. Sukljian regarding the postponement and re-scheduling of her deposition. Specifically, AMH's counsel emailed Ms. Sukljian on March 3, 2014 at the email address <info@zela.com>, which is the email address provided as Ms. Sukljian's contact email on the TTAB website, and mailed a letter to Ms. Sukljian on March 7, 2013. Furthermore, on both March 3 and March 4, 2014, AMH's counsel, Ryan Klarberg, placed a telephone call to Ms. Sukljian. In both instances, however, Mr. Klarberg was advised by Ms. Sukljian's secretary that Ms. Sukljian was unavailable. On both telephone calls, Mr. Klarberg subsequently left his full name, law firm name and telephone number, and requested the secretary to please have Ms. Sukljian return his call as soon as possible to discuss the rescheduling the deposition. Ms. Sukljian has neither responded to our email, or our letter, nor did she return our phone calls.

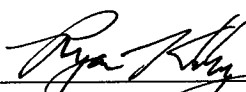
WHEREFORE, for the reasons set forth herein, AMH respectfully requests the Board to

grant AMH a 20-day extension of time in order for AMH to depose Ms. Sukljan in these proceedings, and further respectfully requests the Board to reset the proceedings' dates accordingly.

Dated: New York, New York
March 10, 2014

Respectfully submitted,

PRYOR CASHMAN LLP

By: 

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Attorneys for Ate My Heart, Inc.

CERTIFICATE OF SERVICE

I certify that on March 10, 2014, a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME TO DEPOSE OPPOSER/RESPONDENT SUKLJIAN was mailed by First Class Mail, postage prepaid to:

Christina Sukljian
13 Manor Street
Albany, NY 12207



Ryan Klarberg